

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DARRYL WAYNE STARKS,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	5:05-cv-187 (DF)
	:	
VICTOR WALKER,	:	
	:	
Defendant.	:	

ORDER

This order is in reference to the Report and Recommendation (doc. 25) that United States Magistrate Judge Claude W. Hicks, Jr. filed in this case on November 29, 2005. The Report recommended that this Court grant Defendant's Motion to Dismiss (doc. 20) because Plaintiff, an inmate in the custody of the State of Georgia, did not exhaust his administrative remedies before filing the present § 1983 action. *See* 42 U.S.C. § 1997e(a) (West 2005); *Porter v. Nussle*, 534 U.S. 516, 524 (2002); Compl., doc. 1, at 2. Plaintiff filed an (untimely) objection to the Magistrate Judge's Recommendation (doc. 26). Even if Plaintiff's objection was timely filed and considered by the Court, it would not warrant rejection or modification of the Magistrate Judge's findings. *See id.*

Accordingly, Defendant's Motion to Dismiss (doc. 20) is hereby **GRANTED**.

SO ORDERED, this 7th day of April, 2006.

/s/ Duross Fitzpatrick
DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

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